

MINUTES HIGHLAND CITY COUNCIL MEETING

Tuesday, May 7, 2013

Highland City Council Chambers, 5400 West Civic Center Drive, Highland, Utah 84003

PRESENT: Mayor Lynn V. Ritchie, conducting
Councilmember Brian Braithwaite
Councilmember Tom Butler
Councilmember Tim Irwin
Councilmember Scott Smith
Councilmember Jessie Schoenfeld

STAFF PRESENT: Aaron Palmer, City Administrator
Matthew Shipp, Public Work Director/ City Engineer
Nathan Crane, Community Development Director
Lynn Ruff, Finance Director
JoD'Ann Bates, Executive Secretary/Recorder
Erin Wells, Intern
Chief Brad Freeman, Fire
Kasey Wright, City Attorney

OTHERS: Jay Roundy, Elaine Roundy, Ed Barfuss, Jone Varney, Emily Gillingwater, Justin Parduhn, Josh Castleberry, Van Bond, Roy Bond, Jeff Murdoch, Steve Mower, Jill Ballamis, Chris Weiss, Laurie Adams

The meeting was called to order by Mayor Lynn V. Ritchie as a regular session at 7:03 p.m. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Jessie Schoenfeld and those assembled were led in the Pledge of Allegiance by Derek Balkman, a scout.

APPEARANCES:

Ed Barfuss, resident of Highland, discussed urban forest maintenance and explained the value of trees if the property is maintained properly. The Tree Commission proposed to take over pruning of trees in Highland on a volunteer basis and will train others to help. The Tree Commission would like to remove dead trees and have a master list of all Highland trees. He proposed putting money into the 10-72-60 fund, change the Tree Commission status to active participation, and add tree maintenance to our current budget.

Brandon Balkman, resident of Highland, asked that the city approve the request of putting sod in the Beacon Hill Park. He is also concerned about dangerous and unsightly trash in the forest, and having the lack of organized foot and trail systems with existing ones leading nowhere and

causing erosion. Brandon stated his son, Derek Balkman proposed to put up no dumping signs, allow residents to participate in a clean-up project with city dumpsters and allow private vehicles to go up the closed road to pick up trash, and building walking and biking trails through the forest for an eagle project.

Mayor Ritchie supported the idea of using volunteers and doing an eagle project. He explained that the reason the trails aren't finished is because of funding; he will give suggestions to the city Public Works Director, and will continue to do more as funding is available.

CITY COUNCIL / MAYOR ITEMS:

Mayor Ritchie stated Erin Wells, the City Intern, accepted a full time position with Lehi City, she will be missed and we wish her the best in her new position.

CONSENT:

MOTION – Approval of a change order for the Beacon Hills Park to add sod to the upper soccer field instead of seed.

Pulled by Tom Butler for Discussion

RESOLUTION – Setting a Budget Public Hearing on May 21, 2013 at 7:00 pm for the FY2014 Budget.

MOTION – Preliminary Plat Approval – Timp Cove Subdivision, a seven lot residential subdivision.

MOTION – Ratifying the Mayor's Appointment of Roger Mickelsen as a member of the Highland Tree Commission. .

Consent Items Approved as presented.

MOTION – Approval of a change order for the Beacon Hills Park to add sod to the upper soccer field instead of seed.

Tom Butler asked for clarification as to where the \$25,000 for the sod would be coming from.

Josh Castleberry, Parks Superintendent, explained that the bigger retention basin was planned to be sodded, the rest was planned to be seeded, but the city is proposing to have that be sodded as well.

Mayor Ritchie explained the money for the sod is included in the budget; he explained the money is in the contingency, the expenses are coming in less on the total budget, so there is a total of \$25,000 available for sodding.

MOTION: Tim Irwin moved the City Council approve the change order for the Beacon Hill Park to add sod to the upper soccer field, instead of seed.

Seconded by: Scott Smith

Unanimous vote, motion carried.

SCHEDULED ITEMS:

PUBLIC HEARING / ORDINANCE – An Amendment to Highland City Development Code Section 3-4209, Accessory Buildings increasing the size of accessory buildings from 5% to 7% of the gross lot area for non-conforming subdivisions in the R-1-20 District.

Nathan Crane reviewed the background for accessory building. He stated in 2010 the ordinance was changed from 5% of the main floor area to 5% of the total lot area. He stated one of the reasons to regulate size is to maintain that the building remain an accessory to the home. The Planning Commission held a Public Hearing on April 23rd and voted to recommend approval, and no one spoke in favor or opposition to the amended code.

Mayor Ritchie asked for more explanation on non-conforming.

Nathan Crane explained that conforming means the building follows all current standards, non-conforming means it was approved before the standards were in place, so the building is still legal. Legal non-conforming means it is a project that was legal when the building was approved, regulations changed, so the building does not conform to the current requirements.

Mayor Ritchie opened the public hearing.

Jay Roudy, resident in a non-conforming subdivision, is in favor of amending the code; he requested the council approve the amendment.

Hearing no further comments, Mayor Ritchie closed the public hearing and brought the discussion back to council.

Discussion ensued regarding conforming and non-conforming lots.

Brian Braithwaite was concerned that non-conforming lots can have more square feet and not be penalized. He asked for more consistency, and suggested changing “non-conforming” and “conforming” to be 20,000 or less square foot lot would have 7% and anything over that would be consistent with a conforming R-1-20 and would therefore meet the same standard.

Nathan Crane replied changing the title would be an option, but the code would still have the fairness issue.

Scott Smith questioned if there is a limit on the number of small sheds, less than 200 square feet, on a property.

Nathan Crane explained that citizens can have as many sheds as they would like as long as the sheds are less than 200 square feet.

Scott Smith suggested allowing citizens one large accessory building, instead of multiple sheds. He questioned whether the accessory structure has to match the home.

Nathan Crane explained that if the lot is less than 20,000 square feet, the accessory structure has to match the home.

Discussion ensued regarding accessory structures and property tax values.

Tom Butler questioned what square footage percentage is allowed for accessory structures in the R-1-40.

Nathan Crane replied 5% square footage is allowed in the R-1-40.

Tom Butler questioned if the Planning Commission is proposing to increase that in the non-conforming R-1-20, but not the conforming R-1-20 or the R-1-40.

Nathan Crane replied that is correct.

Discussion ensued regarding R-1-40 regulations, open space subdivisions, and setbacks.

Tom Butler suggested accepting R-1-40 with an exception for open space overlay properties, and to include all conforming and non-conforming R-1-20s.

Brian Braithwaite suggested sending the amendment back to Planning Commission, because you cannot change the amendment unless the Planning Commission has addressed all the issues, and give the Planning Commission the ability to give their input, and give staff the ability to look at what the impact would be, and come back for all three and change the Code at one time, or break it into sections and approve part of Code tonight, and then do the other pieces at another time. He is concerned that some of the citizens in the R-1-20 will be hurt by passing the amendment as is.

Nathan Crane explained the original proposal from staff was to address the amendment just as an R-1-20, but the Planning Commission added the recommendation for the legal non-conforming lots. He stated the amendment was advertised to address the R-1-20, so if the Council wanted to remove the non-conforming, the Council could do that. If the Council would like to address the R-1-40 they would need to start the process over.

Brian Braithwaite suggested the Council send the amendment back to the Planning Commission and take care of all three issues at once.

Mayor Ritchie mentioned there was an applicant who would like them to move forward. He believes the open space issue will take some time.

Tom Butler suggested approving all R-1-20, and asked the staff to come back with the R-1-40.

MOTION: Tom Butler moved the City Council accept the findings and approve the amendment to Highland City Development Code Section 3-4209, Accessory Buildings increasing the size of accessory buildings from 5% to 7% of the gross lot area for all conforming and non-conforming subdivisions in the R-1-20 District.

Scott Smith seconded the motion.

Brian Braithwaite was concerned because the code amendment only says non-conforming, it does not say conforming. He was concerned the Council would not be able to add conforming because it was not what was posted.

Mayor Ritchie questioned if the Council cannot change the motion because the amendment wasn't posted with conforming, but come back with the amendment, or if the Council can change the motion as Tom Butler had suggested.

Kasey Wright, City Attorney stated the Council would have to come back with another amendment if they want to change the code for conforming buildings. The agenda only advertised the non-conforming buildings, so to be in conformance with the law, the Council will have to do conforming and the R-1-40 at a later date.

AMENDED MOTION: Tom Butler moved the City Council accept the findings and approve the amendment to Highland City Development Code Section 3-4209, Accessory Buildings increasing the size of accessory buildings from 5% to 7%. of the gross lot area for non-conforming subdivisions in the R-1-20 District.

Scott Smith seconded the motion.

Those voting Aye: Brian Braithwaite, Tom Butler, Tim Irwin, Jessie Schoenfeld, and Scott Smith.

Motion carried.

Mayor Ritchie asked Nathan Crane to come back with the conforming R-1-20 and the R-1-40.

COMMUNICATION ITEMS BY MAYOR, CITY COUNCIL & STAFF

(These items are for information purposes only and do not require action or discussion by the City Council)

FY2014 Budget Discussion

- Benefits

Aaron Palmer explained the staff did a benefit study with the surrounding cities and stated that payroll is 16% of total budget.

Scott Smith questioned if the 16% included the Public Safety District.

Aaron Palmer explained the Public Safety District is not included, just the City Staff. He explained the city has 29 full time employees, and pointed out the average for health care costs is about \$699. per employee per month and that's below average. He explained that staff could not get ahold of Alpine in the short amount of time they had to put the study together. He reviewed which cities are in social security and which ones are not, and if the cities are not, do they contribute to another retirement mechanism. He explained Bluffdale puts in 7% which is not a match, and the other cities do a match based on percentages.

Discussion ensued regarding social security and whether the cities match contributions.

Tim Irwin questioned if in the cities that contribute to social security, if the employees have to contribute as well.

Aaron Palmer explained yes, it is the law for the employee to contribute 6.2% as well. He also mentioned the benefits are 45% of the total salaries.

Tom Butler questioned if the 45% included sick and vacation.

Aaron Palmer explained that does not, because the sick and vacation does not make any difference to the budget.

Mayor Ritchie explained the difficulties of subtracting the 6.2% and 4%, because Highland really is equal with the other cities, but if you subtract those benefits then Highland starts to skew. He is concerned that the employees might leave to another city.

Discussion ensued over the retirement percentages and employees benefits.

Aaron Palmer explained the possibility of grandfathering employees in, and just changing the benefits for new employees. He explained that most of employees take advantage of the 4% match, but some do a 2%.

Discussion continued regarding matching the employees 4%.

Scott Smith explained that the city benefits are generous. He believes Highland City is comparable to other cities, and explained the city has reduced staff and has not given a raise since a .60 per hour the Council gave two years ago. He mentioned the staff is paying more in health care. He supports doing a grandfather clause and keeping the benefits the same for current employees and look at the match rate for the 401k for new employees. He supports keeping the benefits the same for the current staff.

Brian Braithwaite expressed concerns regarding the match. He explained the city has cut so much and would like to keep the benefits the same for current employees, but make a change for new employees before July 1st.

Mayor Ritchie questioned what the July 1st match would be.

Brian Braithwaite suggested the city just have a matching contribution rate. He suggested doing up to a 4% match for new employees.

Tim Irwin explained that these are tough decisions and believes that during hard economic times, it is hard for the city to provide such benefits for the staff. He stated that he believes the employees are happier when they are working harder. He mentioned that he feels the city has room to make some reductions. He explained his concern with grandfathering the employees because doing so will not impact expenses. He suggested making the city contribution strictly a match.

Mayor Ritchie questioned if the strict match would be applied to current employees.

Tim Irwin replied yes, the city should remove the contribution rate, but consider leaving the match.

Jessie Schoenfeld mentioned the cost of living and that in order to keep continuity and good employees the Council should grandfather the current employee benefits, and she supports Brian's idea of just matching for new employees.

Discussion ensued regarding matching and contribution rates.

Tom Butler expressed he does not believe cutting benefits will convince employees to leave. He explained he believes that five to ten years down the road the city is going to have problems. He is concerned that the city has not cut enough.

Tim Irwin was concerned that the 17.29% is going to up. He questioned when the Council is going to gain control of the percentage. He believes that the only place for the city to do that is within the contribution and matching.

Mayor Ritchie replied that he does not agree with Tim, he mentioned that the rate is continually going to go up and down, and that right now the economy is down, but as the economy recovers he believes the rate could change. He is concerned about taking care of the employees.

Scott Smith mentioned the Council is taking the retirement as one big benefit. He explained the city is below on health care costs. He expressed the city should not change the benefits for current employees who are already expecting that contribution, but he supports changing the benefits for future employees. He is concerned that we have had a large turnover rate and would not like that to affect the city service. He suggested we count all the benefits not just retirement, and keep the current employee benefits as they are.

Mayor Ritchie mentioned there is a majority consensus to just change the new employee benefits. He believes the Council should also discuss the salary increase of 2%.

Aaron Palmer explained that the city took the \$47,000 that was for merit increases and spread the money out over the salaries. He explained the Department Heads will evaluate the employees, and then the Department Heads will need to justify why the employees deserve the merit increase, and the evaluations will be approved by Aaron, and the employee may receive 3-4% depending on performance.

Mayor Ritchie clarified that the total in the budget is a 2% figure of the 47,000 and that was moved to a 2% in every department that will fluctuate within the department depending on the staff's evaluation.

Discussion ensued regarding the merit increase and the employee evaluations.

Brian Braithwaite explained that he believes Highland has a fair compensation package, and that the city needs to keep it that way to ensure good service.

Mayor Ritchie explained leaving in the 2% merit increase per majority rule in the tentative budget.

- Road Fee

Mayor Ritchie explained the road fee, the possibility of changing to a truth in taxation again and sending those out August 1st-17th. He believes the city needs to charge a road fee of \$12.00 per household.

Scott Smith questioned about the fee and whether the people could vote against the road fee on the ballot.

Mayor Ritchie replied that he would like to pass the budget on June 4th so there is plenty of time for the citizens to vote on the issue.

Scott Smith expressed the city needs to have the fee just to fix what is there and then once the major roads are complete; the city should lower or get rid of the fee. He supports a \$15.00 fee, as long as the citizens are made aware of the progress on the roads and what their money is going towards.

Brian Braithwaite suggested putting money aside for the Transportation Committee and setting aside enough capital that the city can actually fix the roads. He suggested setting up a \$14.50 fee to raise approximately \$750,000., \$200,000 of that would go to raise the current \$350,000. To \$550,000., and then you would have an additional \$550,000. to set aside as capital improvements, so one is operating, where the city can maintain the roads. He would like the city to watch the progress, and if the projects can be finished in two years, then the city can shift the remaining \$200,000. over to capital. He suggested the city make a list of projects and as the projects are completed to show the citizens so they know that their money is actually being used for a good cause.

Tim Irwin is in favor of the road fee; he explained that the road fee is a tax and that he believes the city should raise that to \$15.00, which would give the city close to \$1,000,000. dollars for the year. He believes the fee will help accommodate what the Transportation Committee was requesting.

Tim Irwin suggested putting Matt Shipp in charge of making recommendations on how to spend the money on road maintenance and reconstruction. He explained he would like to see a plan.

Mayor Ritchie mentioned he had brought a list of roads the Transportation Committee was going to do in priority order last meeting and the costs associated with them.

Tim Irwin was concerned there was not much on the list.

Matt Shipp explained that the list was based on the \$350,000. that was in the budget for road maintenance for 10400 North, 6000 West, and 9600 North which are reconstruction projects. He explained that he understood the road fee would go into a savings account to pay for those three roads so the City does not go into debt.

Discussion ensued regarding the rates going towards a savings account and towards current road maintenance.

Matt Shipp clarified that the Council is suggesting putting \$7.00 into savings and using the rest for road maintenance, and in that doing this would keep the roads at level Cs and Bs, so those roads do not have to be saved later on. Matt explained that at \$350,000. the staff is just holding the roads together; the city is not doing a maintenance program.

Scott Smith questioned if schools and churches would also have to pay a transportation fee.

Matt Shipp explained it would be up to the Council on how to collect the fee.

Discussion ensued regarding placing the roads fee in the utility bill and showing the citizens how the funds are being used.

Tom Butler was concerned that the Council is discussing the dollar amounts when they have not figured the ERUs. He suggested the Council make a provision to put a lockbox on the amount to maintain that the money is used for the roads only. He is also concerned about the length of the fee.

Scott Smith also expressed concern about the length of the fee.

Brian Braithwaite suggested that the fee should at least be a ten years, because the roads will constantly need maintenance.

Mayor Ritchie also supported a ten year program, with the total amount being \$750,000. divided between the City, including churches, schools, and businesses.

Brian Braithwaite suggested having a fixed dollar amount of \$550,000. put into capital, and then put an additional \$200,000. into maintenance. He explained the amount would vary some when they put in the ERUs, but that the city needs to work towards that dollar amount. He suggested doing a three year sunset, so the Council can update the amount if need be.

Mayor agreed with doing a three year program, so the Council can discuss and review the fee and go from there.

Mayor Ritchie called for a break at 9:03 p.m.

- Tree Funds

Mayor Ritchie explained the Council had asked the Tree Commission to meet with Matt Shipp and Josh Castleberry to evaluate the tree maintenance request. Ed Barfuss presented a different number and changed the proposal to a volunteer program.

Matt Shipp explained that Josh Castleberry met with the Tree Commission to come up with a plan to spend the \$12,500. tree maintenance budget. He explained that Ed Barfuss suggested resigning from The Tree Commission and take over the tree pruning himself. He explained he discussed the issue with Josh Castleberry, and are proposing that the council budget that amount, and then Matt Shipp and Josh Castleberry will put out a bid for a tree maintenance company to do the maintenance. The bid would be for tree pruning, cutting out the tree rings, and pulling out dead trees. The city would supply the mulch for the tree rings, and the trees that need to be replaced. He suggested the city use the money on two projects: 10400 North and Alpine Highway (SR-74), and see how far the money gets in a year, and then come back and reevaluate.

Mayor Ritchie questioned if the Tree Commission could volunteer in conjunction.

Matt Shipp supported the idea of volunteers. He suggested the Tree Commission teach pruning classes to the volunteers, so citizens can work in their yards, get city certified, and then the Tree Commission can have the volunteers work throughout the city. He supports the volunteers, but would like the volunteers to have training.

Scott Smith asked for Josh Castleberry to explain what the City is doing currently for tree maintenance.

Josh Castleberry explained that most tree maintenance is done during the fall and early spring. He explained the staff prunes the trees and identify areas to work on. He explained the city has been with Tree City USA for fifteen years and are certified through them. He explained that the city has to spend approximately \$2.00 dollars per capita on that certification.

Scott Smith questioned how many trees the city is responsible to take care of.

Josh Castleberry replied on SR-92 there were approximately 192 trees and on North County Boulevard there were approximately 24.

Discussion ensued regarding Ed Barfuss, volunteers, or contractors doing the tree maintenance.

Tom Butler suggested having the Tree Commission teach classes so volunteers can do trees as well. He explained doing this would mean the city wouldn't have to pay contractors.

Matt Shipp explained either way the city is spending \$12,000., but that the city could have a contractor do all of the trees in a couple of weeks, whereas having two people do the tree maintenance could take all summer. He suggested having Ed Barfuss teach volunteers, but mentioned the volunteers lose interest after a while.

Discussion ensued about the amount to budget for the tree maintenance.

Brian Braithwaite expressed concern that the Tree Commission changed from what they proposed and what they presented before the Council. He is concerned about putting money into tree maintenance when the Council does not know where the money is going. He supported giving the money to the staff, but asked both sides to get together and figure out what to do with the money.

Mayor Ritchie explained the Tree Commission is still waiting for two people to be appointed and the Tree Commission is not used to getting together as an official commission. He stated the real question is if the city would like to do something with the trees.

Scott Smith suggested having the Tree Commission set up classes to prune trees and assign some areas within the city for these volunteers to prune. He also suggested taking some of the money to hire a contractor to do the big projects. He is concerned that Ed Barfuss will not be able to do hundreds of trees, suggested having Ed Barfuss teach the classes and let the city employ a company to do the large jobs.

Discussion ensued regarding the amount to budget for tree maintenance, the bid, and contracting the job to a tree maintenance company.

Mayor Ritchie explained the Council is putting the \$12,500. back into the budget for tree maintenance.

Brian Braithwaite asked the staff to bring back next year what was done what the money this year and break down what the money was used for so that the Council may review and reevaluate, and decide how much to put into tree maintenance.

- **Membership Fees**

Aaron Palmer suggested the city remain within the League of Cities. He suggested a two year commitment from the Council and to have them actively participate. He mentioned if the City does decide to stay with the League next year, he will get on the Legislative Advocacy Committee and suggested the councilmembers get on the Executive Board.

Discussion ensued concerning the League of Cities.

The Council decided to not participate in the League of Cities for this budget year.

ADJOURN TO A CLOSED EXECUTIVE SESSION

Mayor Ritchie indicated there was no need for an executive session at this time.

ADJOURNMENT

MOTION: Scott Smith moved to adjourn.

Tim Irwin seconded the motion.

Unanimous vote, motion carried.

Meeting adjourned at 10:06 p.m.


JoD'Ann Bates, City Recorder

Date Approved: May 21, 2012